

# EXHIBIT H

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Attorneys for Defendant 7-Eleven, Inc.

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

EDUARDO MUNOZ, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

7-ELEVEN, INC., a Texas corporation,

Defendant.

Case No. 2:18-cv-03893 RGK (AGR)

**DECLARATION OF KRISTIN COPE  
IN SUPPORT OF DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT OR IN THE  
ALTERNATIVE SUMMARY  
ADJUDICATION**

*[Filed concurrently with Notice of Motion  
and Motion for Summary Judgment,  
Statement of Uncontroverted Facts,  
Declaration of J. Trotter, Request for  
Judicial Notice, and [Proposed]  
Judgment]*

Date: May 13, 2019  
Time: 9:00 a.m.  
Place: Courtroom 850

Complaint Filed: May 9, 2018  
First Am. Comp. Filed: July 9, 2018  
Trial Date: July 2, 2019

**DECLARATION OF KRISTIN COPE**

I, Kristin Cope, declare as follows:

1. I am a Senior Human Resource Information Systems Analysis with Defendant 7-Eleven, Inc. ("7-Eleven"), and have worked in that position since April 20, 2018. I have been an employee of 7-Eleven since the Spring of 2014. I have personal knowledge of the matters contained in this declaration and, if called on as a witness, I could and would testify competently as to the matters set forth herein.

2. 7-Eleven maintains personnel files on all of its employees in the regular course of business. Relevant here, the following records are added to these personnel files at or near the time of their creation:

a. The home address of an employee that is provided by that employee during his or her completion of new hire paperwork, which employees regularly provide during this process.

b. Background check reports prepared by the third-party vendor 7-Eleven utilizes for such reports after the employee executes a background check disclosure and authorization allowing the creation of such a report, which 7-Eleven regularly procures after a person accepts employment with the company and executes such disclosure and authorization. 7-Eleven's regular practice is to seek criminal background reports without further information concerning a store employee's background in the reports obtained from its third-party vendor.

c. All correspondence sent to an employee in the event 7-Eleven may take adverse action against an employee due to information included in a background check report obtained on the employee, which 7-Eleven regularly sends if this may occur.

d. Any individual assessment request made by the employee in response to such correspondence.

e. All correspondence sent to an employee informing him or her that their employment has been terminated by 7-Eleven due to the information obtained in



1 this background check report, which 7-Eleven regularly sends to an employee in such  
2 event.

3 f. For people whose employment has ended, a notice of employee  
4 separation document that notes the basis for an employment being terminated.

5 3. In my position, I have access to 7-Eleven employees' personnel files,  
6 including that of Plaintiff Edwardo Munoz. Prior to executing this declaration, I  
7 accessed Plaintiff's personnel file with 7-Eleven, which, amongst other matters,  
8 included the following records:

9 a. Attached hereto as **Exhibit A** is a true and correct copy of a letter  
10 addressed to Plaintiff at the address he provided as part of his new hire paperwork and  
11 dated February 9, 2018, along with its accompanying enclosures – including a standard  
12 criminal background check provided by 7-Eleven's third-party vendor for background  
13 checks that was enclosed with this letter – except for (a) Bates numbering has been  
14 added to the bottom-right hand corner of the exhibit, which I understand is commonly  
15 done when documents are produced in litigation, and (b) there are redactions of certain  
16 personal information on Plaintiff I understand is required to be redacted under  
17 applicable rules of procedure. It is 7-Eleven's regular practice only to obtain criminal  
18 background checks from its third-party vendor after a store employee executes the  
19 background check disclosure and authorization presented as part of that employee's  
20 new hire paperwork. Other than this criminal background report, Plaintiff's personnel  
21 file did not include any records of any other background information obtained on him  
22 by 7-Eleven's background check vendor, which is consistent with 7-Eleven's regular  
23 practice of only obtaining criminal background reports on new store employees  
24 following their execution of the background check disclosure and authorization  
25 presented as part of the employee's new hire paperwork.

26 b. Attached hereto as **Exhibit B** is a true and correct copy of a letter  
27 addressed to Plaintiff at the address he provided as part of the his new hire paperwork  
28 and dated February 20, 2018, except for (a) Bates numbering has been added to the

1 bottom-right hand corner of the exhibit, which I understand is commonly done when  
2 documents are produced in litigation, and (b) there are redactions of certain personal  
3 information on Plaintiff I understand is required to be redacted under applicable rules of  
4 procedure.

5 c. Attached hereto as **Exhibit C** is a true and correct copy of the notice  
6 of separation document that was included in Plaintiff's personnel file, except for Bates  
7 numbering has been added to the bottom-right hand corner of the exhibit, which I  
8 understand is commonly done when documents are produced in litigation.

9 4. There was no record in Plaintiff's personnel file of him ever  
10 communicating with 7-Eleven in response to the letter in his file dated February 9,  
11 2018, attached hereto as Exhibit A, including any request for an individual assessment.

12 5. Other than the criminal background check included as part of Exhibit A,  
13 there was no record in Plaintiff's personnel file of any other information being obtained  
14 on Plaintiff's background pursuant to the background check disclosure and  
15 authorization he executed during his completion of his new hire paperwork.

16  
17 I declare under penalty of perjury, under the laws of the State of California and  
18 the United States, that the foregoing is true and correct. Executed on April 5, 2019, at  
19 Irving, Texas.

20   
21 Kristin Cope

# EXHIBIT A



February 9, 2018

EDUARDO MUNOZ [REDACTED]  
[REDACTED]  
MERCED, CA [REDACTED]

Dear EDUARDO MUNOZ:

As part of its employment process, 7-Eleven, Inc. obtains, or asks others acting on its behalf to obtain, consumer reports regarding candidates. These reports assist 7-Eleven in evaluating individuals for employment as team members.

This letter is to inform you that you may be denied the position you are seeking with 7-Eleven, based in whole or in part on information contained in the Report. In accordance with the Fair Credit Reporting Act (FCRA), enclosed please find a copy of the Report, a copy of your rights under the FCRA, and related state notices.

The information in the report was obtained from:

Sterling Talent Solutions  
dispute.resolution@sterlingts.com  
Ph: 877.982.9888  
Fax: 425.974.2206  
4511 Rockside Road, 4th Floor, Independence, OH 44131  
www.SterlingTalentSolutions.com

Please notify Sterling Talent Solutions immediately if you wish to dispute the accuracy or completeness of the information in the Report.

7-Eleven may make a decision about your application as soon as seven business days from the date of this letter (unless you dispute the report as described above). In making its decision, 7-Eleven will consider how the type of information on your report relates to the requirements of the position for which you are applying. If your report includes any criminal history, 7-Eleven will also consider any additional information that you provide about your criminal history. To provide any additional information about your criminal history, please follow the instructions on the enclosed "Individualized Assessment Request" form.

Thank you again for considering employment with 7-Eleven, Inc.

Sincerely,

7-Eleven, Inc.

Enc.:

Copy of Investigation Report  
Summary of Your Rights Under the FCRA  
State Notices (if applicable)

Individualized Assessment Form (if applicable)





Sterling Talent Solutions Customer Support  
4511 Rockside Road, 4th Floor | Independence, OH 44131  
1.877.862.8686 | customersupport@talentwise.com

**California Applicants/Employees Only:** The report does not guarantee the accuracy or truthfulness of the information as to the subject of the investigation, but only that it is accurately copied from public records, and information generated as a result of identity theft, including evidence of criminal activity, may be inaccurately associated with the consumer who is the subject of the report. An investigative consumer reporting agency shall provide a consumer seeking to obtain a copy of a report or making a request to review a file, a written notice in simple, plain English and Spanish setting forth the terms and conditions of his or her right to receive all disclosures, as provided in Section 1786.26.

**Sólo para los Solicitantes/Empleados de California:** En el informe no se garantiza la exactitud o veracidad de la información en cuanto al tema de la investigación, sino sólo que se ha copiado exactamente de los registros públicos, y la información generada como resultado del robo de identidad, incluyendo las pruebas de una actividad delictiva, podría estar incorrectamente asociada con el consumidor que sea el sujeto del informe. Una agencia investigadora de informes de crédito deberá suministrarle a un consumidor que trate de obtener una copia de un informe o solicite revisar un archivo una notificación por escrito en inglés y español lisos y llanos, en la que se establezcan los términos y las condiciones de su derecho a recibir toda la información, como se dispone en la Sección 1786.26.

Report: **Edwardo Munoz**

<b>Requested by</b>	7-11 Corporate 7-Eleven, Inc. (Generic Batch) (972) 828-0711	<b>Report Status</b>	<b>Adverse Action Process:</b> <b>Initiated</b>
<b>Package Title</b>	Standard Criminal	<b>Request Submitted</b>	Feb 9, 2018 5:32 AM
		<b>Report Completed</b>	Feb 5, 2018 5:45 AM
		<b>Completion Time</b>	3 business days, 17 hours
<b>Report ID</b>	123000208	<b>Address</b>	[REDACTED] Merced, CA [REDACTED]
<b>Name</b>	Edwardo Munoz	<b>Reference Code</b>	SA/ ASM → 0772199 → 0702136 → 0036702
<b>Social Security Number</b>	xxx-xx-8173		
<b>Date of Birth</b>	[REDACTED] xxx		
Report Contents		Complete	Status
1	Client Criteria	✓	<b>Does Not Meet Criteria - Review</b>
2	Pre-Adverse Action Notification		Queued for Printing
3	Adverse Action Notification		Waiting on Pre-Adverse
4	SSN Trace	✓	<b>Complete</b>
5	County Criminal Search - Single County Jurisdiction: <b>Los Angeles County, California</b>	✓	<b>Clear</b>

6	County Criminal Search - Single County Jurisdiction: <b>Merced County, California</b>		<b>Alert</b>
7	Federal Criminal Check State: <b>California</b>		<b>Clear</b>
8	Multi-State Instant Criminal Check With Verification		<b>Complete</b>
9	Nationwide Sex Offender Registry Check		<b>Clear</b>
10	OFAC Check		<b>Clear</b>

**1** Client Criteria

**Does Not Meet Criteria - Review**

**Scoring is performed at the request of the client using the client's provided criteria. All eligibility decisions rest in the client's sole discretion.**

**2** Pre-Adverse Action Notification

Adverse Action process initiated on 2018-02-09.

Pre-adverse notification will be mailed to the candidate, at the address above, within one business day.

**3** Adverse Action Notification

Adverse Action process initiated on 2018-02-09.

Adverse notification will be mailed approximately six business days following pre-adverse notification.

**4** SSN Trace

The SSN Trace compares the provided Social Security Number to credit header and public records data. This trace may locate possible alternative names or addresses associated with the SSN for the purpose of performing additional searches. The SSN trace is not conducted through the Social Security Administration and should not be used as the basis for any employment decision or confirmation of identity.

**SSN** xxx-xx-8173

**Primary Name Searched** EDUARDO MUNOZ

**Complete:** Full name matches SSN.

**Possible Alternative Names** No possible alternative names were found for this candidate

**5** County Criminal Search - Single County Jurisdiction: **Los Angeles County, California**

**Search Type** FELONY AND MISDEMEANOR

**Jurisdiction Searched** LOS ANGELES COUNTY, CA

**Search Description** The "Jurisdiction Searched" field indicates the name of the county or state where the search is conducted. The specific courts and criminal records searched may be limited due to the manner in which records are maintained in certain states.

**Result** **Clear**

**6** County Criminal Search - Single County Jurisdiction: **Merced County, California**

**Search Type** FELONY AND MISDEMEANOR

**Jurisdiction Searched** MERCED COUNTY, CA

**Search Description** The "Jurisdiction Searched" field indicates the name of the county or state where the search is conducted. The specific courts and criminal records searched may be limited due to the manner in which records are maintained in certain states.

**Result** **Alert**  
2 RECORDS FOUND

Record 1 of 2

**Court Searched** Superior And Limited Jurisdiction Court

**Case Number** 17CR-03395

**Case Type** Active

**Case Level** Misdemeanor

**Case Status** Active Case

**Subject Identifiers** FamilyName,GivenName,BirthDate

**Offense Date** 2017-02-18

**Offense Type** Misdemeanor

**Offense Description** Obstruct - Resist Public Officer

**Outcome** Active

**Warrant Date** 07/17/2017

**Additional Information** Warrant Date : 07/17/2017  
NAME AND DOB MATCH

Record 2 of 2

**Court Searched** Superior And Limited Jurisdiction Court

**Case Number** 16CR-00896

**Case Type** Conviction

**Case Level** Misdemeanor

**Case Status** Closed Case

**Subject Identifiers** FamilyName,GivenName,BirthDate

**Offense Date** 2015-08-23

**Offense Type** Misdemeanor

**Offense Description** Assault

**Disposition Date** 2016-07-11

**Disposition** NOLO

**Outcome** Conviction



**Sentence**

1. Sentence Type: Jail ; Sentence Length: 45 Days ; Suspended Sentence Length: 45 Days ; Consecutive/Concurrent: Consecutive
2. Sentence Type: Credit Time Served ; Sentence Length: 2 Days ; Consecutive/Concurrent: Consecutive
3. Sentence Type: Unsupervised Probation ; Sentence Length: 3 Years ; Consecutive/Concurrent: Consecutive
4. Sentence Type: Fine ; Sentenced Amount: \$420.00

**Additional Information**

NAME AND DOB MATCH

7

Federal Criminal Check

State: **California**

**Search Type**

FELONY AND MISDEMEANOR

**Jurisdiction Searched**

CALIFORNIA - STATEWIDE

**Result**

**Clear**

8

Multi-State Instant Criminal Check With Verification

Any reportable findings, as verified from state or local court records, will be found in this report under the appropriate jurisdiction.

**Result**

**Complete**

9

Nationwide Sex Offender Registry Check

**Search Description**

Nationwide searches against sex offender registries from 49 states, the District of Columbia and U.S. territories. This search excludes Nevada where use of the registry for employment purposes is prohibited by state law. Any reportable findings, as verified from sex offender registries, will be found in this report under the appropriate jurisdiction.

**Result**

**Clear**

10

OFAC Check

**Result**

**Clear**

No results were found for Edwardo Munoz.

— END OF REPORT —

*Para información en español, visite [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.*

## **A Summary of Your Rights Under the Fair Credit Reporting Act**

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for an explanation of dispute procedures.



- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need -- usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

**States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:**

<b>TYPE OF BUSINESS:</b>	<b>CONTACT:</b>
1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates	a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552
b. Such affiliates that are not banks, savings associations, or credit unions also should list,	b. Federal Trade Commission: Consumer Response Center – FCRA

in addition to the CFPB:	Washington, DC 20580 (877) 382-4357
2. To the extent not included in item 1 above:	
a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks	a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050
b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act	b. Federal Reserve Consumer Help Center P.O. Box. 1200 Minneapolis, MN 55480
c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations	c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106
d. Federal Credit Unions	d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314
3. Air carriers	Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590
4. Creditors Subject to the Surface Transportation Board	Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423
5. Creditors Subject to the Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., 8 <sup>th</sup> Floor Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F Street, N.E.

	Washington, DC 20549
8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	FTC Regional Office for region in which the creditor operates <u>or</u> Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 (877) 382-4357



## Individualized Assessment Request

**What this is:** We, 7-Eleven, Inc., have given you a copy of a background report about you that may have criminal history on it. We will assess your criminal history and the requirements of the position for which you are applying to decide if you are qualified. You may ask us to consider information that you provide us when we consider the criminal history shown on your background report.

**What to do:** Please fill out this form. Please print clearly. If you include more than two pages, please number the pages and indicate the total number of pages provided. To send us this information, please fax it back to 7-Eleven, ATTN: Human Resources at 972-828-1064. Please return this form within 7 business days of the date of the letter that it came with.

**What not to do:** Do not use this process to dispute the accuracy or completeness information on your background report. To dispute information, please follow the instructions on the separate form enclosed that came with the background report. In particular, please use that form to dispute any criminal history about (i) any misdemeanor conviction for which you have successfully completed probation or have otherwise been discharged, and that the court has dismissed the case, or (ii) any conviction that has been sealed or expunged based on a court order.

**California applicants:** Please do not tell us about (i) referral to and participation in any pre-trial or post-trial diversion program or (ii) any marijuana-related conviction that was entered by the court more than 2 years ago and involves possession or being under the influence of marijuana, being in a place with knowledge that marijuana was being used, or offering to or actually transporting or giving away up to 28.5 grams of marijuana. We will not consider them.

1. Your name: \_\_\_\_\_
2. Last four digits of your social security number: \_\_\_\_\_
3. The report number on the background report about you: \_\_\_\_\_
4. Explain in detail anything else that you believe we should consider about your criminal history. For example, you might tell us anything that helps us understand: (a) the extent that your criminal history shows that you would be a risky hire; (b) the circumstances surrounding your offense; (c) your efforts to change your life and comply with the law since your convictions, including education, training, or employment; (d) your employment history prior to your convictions; or (e) employment or character references and any other information directly related to fitness for the particular position for which you are applying.

# EXHIBIT B





February 20, 2018

EDUARDO MUNOZ [REDACTED]  
[REDACTED]  
MERCED, CA [REDACTED]

Dear EDUARDO MUNOZ:

Based on information contained in a recently obtained consumer report in conjunction with your consideration for employment with 7-ELEVEN, INC. (GENERIC BATCH), 7-ELEVEN, INC. (GENERIC BATCH) has elected not to extend you an offer of employment or continue your employment. The information in the report that was previously sent to you was obtained from:

Sterling Talent Solutions  
dispute.resolution@sterlingts.com  
Ph: 877.982.9888  
Fax: 425.974.2206  
4511 Rockside Road, 4th Floor, Independence, OH 44131  
www.SterlingTalentSolutions.com

TalentWise did not make any decisions regarding your employment, and is unable to provide you with specific reasons regarding any decisions made by 7-ELEVEN, INC. (GENERIC BATCH) in relation to your employment.

You have previously been provided with a copy of an information sheet summarizing your rights under the Fair Credit Reporting Act (FCRA) and a Disclosure Request form to be used to dispute the accuracy or completeness of any information contained in the report.

To the extent you are receiving this letter in relation to a currently pending criminal charge, 7-ELEVEN, INC. (GENERIC BATCH) will re-assess your employment status after the pending charges against you are adjudicated. You are eligible for hire/reinstatement should your currently pending charge(s) be cleared or dismissed or if additional information is made available regarding these charges that allows 7-ELEVEN, INC. (GENERIC BATCH) to determine that you qualify for employment.

Should you have any questions, you may contact the TalentWise dispute department using the toll free number listed above.

Thank you for considering employment with 7-ELEVEN, INC. (GENERIC BATCH).

Sincerely,

TalentWise, Inc. on behalf of 7-ELEVEN, INC. (GENERIC BATCH).

**Massachusetts applicants or employees only (this section applies only if the report referenced above is a credit report):**

You have the right to obtain a free copy of your credit report within sixty days from the consumer credit reporting agency which has been identified on this notice. The consumer credit reporting agency must provide someone to help you interpret the information on your credit report. Each calendar year you are entitled to receive, upon request, one free consumer report. You

have the right to dispute inaccurate information by contacting the consumer credit reporting agency directly. If you have notified a consumer credit reporting agency in writing that you dispute the accuracy of information in your file, the agency must then, within thirty business days, reinvestigate and modify or remove inaccurate information. The consumer credit reporting agency may not charge a fee for this service. If reinvestigation does not resolve the dispute to your satisfaction, you may send a statement to the consumer credit reporting agency, to be kept in your file, explaining why you think the record is inaccurate. The consumer credit reporting agency must include your statement about the disputed information in a report it issues about you.

**California applicants or employees only (this section applies only if the report referenced above is a credit report):**

You have the right to obtain within 60 days a free copy your consumer credit report from the consumer credit reporting agency identified above and from any other consumer credit reporting agency which compiles and maintains files on consumers on a nationwide basis. You also have the right to dispute accuracy or completeness of any information in a consumer credit report furnished by the consumer credit reporting agency.

*Para información en español, visite [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.*

## **A Summary of Your Rights Under the Fair Credit Reporting Act**

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- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.

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- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for an explanation of dispute procedures.



- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need -- usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

**States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:**

TYPE OF BUSINESS:	CONTACT:
1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates	a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552
b. Such affiliates that are not banks, savings associations, or credit unions also should list,	b. Federal Trade Commission: Consumer Response Center – FCRA

in addition to the CFPB:	Washington, DC 20580 (877) 382-4357
2. To the extent not included in item 1 above:	
a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks	a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050
b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act	b. Federal Reserve Consumer Help Center P.O. Box. 1200 Minneapolis, MN 55480
c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations	c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106
d. Federal Credit Unions	d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314
3. Air carriers	Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590
4. Creditors Subject to the Surface Transportation Board	Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423
5. Creditors Subject to the Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., 8 <sup>th</sup> Floor Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F Street, N.E.



	Washington, DC 20549
8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	FTC Regional Office for region in which the creditor operates <u>or</u> Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 (877) 382-4357

## Individualized Assessment Request

**What this is:** We, 7-Eleven, Inc., have given you a copy of a background report about you that may have criminal history on it. We will assess your criminal history and the requirements of the position for which you are applying to decide if you are qualified. You may ask us to consider information that you provide us when we consider the criminal history shown on your background report.

**What to do:** Please fill out this form. Please print clearly. If you include more than two pages, please number the pages and indicate the total number of pages provided. To send us this information, please fax it back to 7-Eleven, ATTN: Human Resources at 972-828-1064. Please return this form within 7 business days of the date of the letter that it came with.

**What not to do:** Do not use this process to dispute the accuracy or completeness information on your background report. To dispute information, please follow the instructions on the separate form enclosed that came with the background report. In particular, please use that form to dispute any criminal history about (i) any misdemeanor conviction for which you have successfully completed probation or have otherwise been discharged, and that the court has dismissed the case, or (ii) any conviction that has been sealed or expunged based on a court order.

**California applicants:** Please do not tell us about (i) referral to and participation in any pre-trial or post-trial diversion program or (ii) any marijuana-related conviction that was entered by the court more than 2 years ago and involves possession or being under the influence of marijuana, being in a place with knowledge that marijuana was being used, or offering to or actually transporting or giving away up to 28.5 grams of marijuana. We will not consider them.

1. Your name: \_\_\_\_\_
2. Last four digits of your social security number: \_\_\_\_\_
3. The report number on the background report about you: \_\_\_\_\_
4. Explain in detail anything else that you believe we should consider about your criminal history. For example, you might tell us anything that helps us understand: (a) the extent that your criminal history shows that you would be a risky hire; (b) the circumstances surrounding your offense; (c) your efforts to change your life and comply with the law since your convictions, including education, training, or employment; (d) your employment history prior to your convictions; or (e) employment or character references and any other information directly related to fitness for the particular position for which you are applying.

# EXHIBIT C



## Notice of Employee Separation

EMPLOYEE ID #	EMPLOYEE NAME (LAST, FIRST, MIDDLE)	DATE TODAY (MM/DD/YY)	REHIRE RECOMMENDATION PLEASE COMMENT BELOW
1680016	Munoz, Edwardo	02/21/18	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> CONTACT SEPARATING DIVISION PRIOR TO REHIRE

Store / Location	LAST DAY WORKED (MM/DD/YY)	SEPARATION DATE (MM/DD/YY)	UNUSED VACATION HOURS (CURRENT YEAR)
36702/2136	02/21/18	02/21/18	

### PLEASE ATTACH RESIGNATION STATEMENT

REASON FOR SEPARATION – SELECT THE ONE CODE MOST APPROPRIATE (check only one box)

VOLUNTARY	* INVOLUNTARY
<input type="checkbox"/> DISSATISFACTION WITH MANAGEMENT/POLICIES  <input type="checkbox"/> DISSATISFACTION (HOURS – TOO MANY, NOT ENOUGH) <input type="checkbox"/> DISSATISFACTION (PAY) <input type="checkbox"/> FAILED TO REPORT AFTER OR QUIT DURING STORE TEAM TRAINING <input type="checkbox"/> FAILED TO REPORT OR CALL FOR 3 CONSECUTIVE DAYS/SHIFTS <input type="checkbox"/> FAILED TO RETURN AFTER LEAVE EXPIRED <input type="checkbox"/> HEALTH PROBLEMS <input type="checkbox"/> NO REASON/NOTICE GIVEN <input type="checkbox"/> OTHER (EXPLAIN IN COMMENTS) <input type="checkbox"/> PART-TIME EMPLOYEE, FULL-TIME JOB CONFLICT <input type="checkbox"/> PART-TIME EMPLOYEE, NO LONGER NEEDED JOB <input type="checkbox"/> PERSONAL REASONS UNRELATED TO JOB <input type="checkbox"/> QUIT AFTER EMPLOYEE PERFORMANCE NOTICE <input type="checkbox"/> REFUSED TO WORK AVAILABLE SHIFTS <input type="checkbox"/> TO ATTEND SCHOOL <input type="checkbox"/> TO BECOME 7-ELEVEN FRANCHISEE  <input type="checkbox"/> TO MOVE FROM AREA <input type="checkbox"/> TO SEEK OR ACCEPT OTHER EMPLOYMENT <input type="checkbox"/> TRANSPORTATION PROBLEMS	<input type="checkbox"/> ALCOHOLIC BEVERAGE VIOLATION  <input type="checkbox"/> EXCESSIVE ABSENTEEISM/TARDINESS/BREAKS <input type="checkbox"/> COMPANY BANKING POLICY VIOLATION <input type="checkbox"/> COMPANY GROCERY BILL/CONSUMPTION LIST VIOLATION  <input type="checkbox"/> DETRIMENTAL BEHAVIOR  <input type="checkbox"/> DISORDERLY CONDUCT <input type="checkbox"/> FAILURE TO CONTROL LOTTERY SALES <input type="checkbox"/> FAILURE TO FOLLOW CASH HANDLING PROCEDURES <input type="checkbox"/> FAILURE TO FOLLOW INSTRUCTION <input type="checkbox"/> FALSIFICATION OF COMPANY DOCUMENTS <input type="checkbox"/> INABILITY TO PERFORM JOB DUTIES <input type="checkbox"/> INSUBORDINATION <input type="checkbox"/> INTRODUCTORY EMPLOYEE <input type="checkbox"/> LOAFING <input type="checkbox"/> MISAPPROPRIATION OF COMPANY PROPERTY <input type="checkbox"/> MISSUSE OF EMPLOYMENT RELATIONSHIP, COMPANY PROPERTY, OR SERVICES <input type="checkbox"/> MULTIPLE VIOLATIONS OF POLICY <input type="checkbox"/> OTHER (EXPLAIN IN COMMENTS) <input type="checkbox"/> POOR CUSTOMER SERVICE  <input type="checkbox"/> RECKLESS CONDUCT <input type="checkbox"/> REPORTING TO WORK IN UNFIT CONDITION <input type="checkbox"/> RESTRICTED SALES VIOLATION (TOBACCO, LOTTERY, ALCOHOL) <input type="checkbox"/> SALE, OFFERING, POSSESSION, OR USE OF ALCOHOL OR CONTROLLED ILLEGAL SUBSTANCES <input type="checkbox"/> SALES VARIATION ON SHIFT ANALYSIS <input type="checkbox"/> SMOKING IN UNAUTHORIZED AREAS <input type="checkbox"/> UNAUTHORIZED SOLICITATION <input type="checkbox"/> UNAUTHORIZED WORK <input type="checkbox"/> UNSAFE ACTS <input type="checkbox"/> UNSATISFACTORY PERFORMANCE <input type="checkbox"/> VIOLATION DRESS CODE <input type="checkbox"/> VIOLATION OF DIVISION/CORPORATE POLICY <input type="checkbox"/> WEAPONS, EXPLOSIVES, OR DANGEROUS IMPLEMENTS <input type="checkbox"/> WILLFUL REFUSAL TO PERFORM JOB DUTIES
<b>OTHER</b> <input type="checkbox"/> DECEASED (keyed by Store Support Center) <input type="checkbox"/> UNIT FRANCHISED	
<input checked="" type="checkbox"/> FAILED BACKGROUND SCREENING <input type="checkbox"/> LEAVE BENEFITS EXPIRED – STILL UNABLE TO RETURN TO WORK	

### APPROVALS

NAME: Sharon Thompson	TITLE: HR Coordinator
NAME:	TITLE:

<input type="checkbox"/> REDUCTION IN FORCE/POSITION ELIMINATED	<input type="checkbox"/> OUTSOURCED
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**Tabitha Muncey**

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**From:** cacd\_ecfmail@cacd.uscourts.gov  
**Sent:** Monday, April 8, 2019 3:38 PM  
**To:** ecfnef@cacd.uscourts.gov  
**Subject:** Activity in Case 2:18-cv-03893-RGK-AGR Edwardo Munoz v. 7-Eleven, Inc. Motion for Summary Judgment

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**Notice of Electronic Filing**

The following transaction was entered by Trotter, Julie on 4/8/2019 at 3:37 PM PDT and filed on 4/8/2019

**Case Name:** Edwardo Munoz v. 7-Eleven, Inc.

**Case Number:** [2:18-cv-03893-RGK-AGR](#)

**Filer:** 7-Eleven, Inc.

**Document Number:** [67](#)

**Docket Text:**

**NOTICE OF MOTION AND MOTION for Summary Judgment as to As to All Claims in Plaintiff's Complaint filed by Defendant 7-Eleven, Inc.. Motion set for hearing on 5/13/2019 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # (1) Defendant's Statement of Uncontroverted Facts and Conclusions of Law in Support of Motion for Summary Judgment, # (2) Request for Judicial Notice in Support of Defendant's Motion for Summary Judgment, # (3) Exhibit A-E to Request for Judicial Notice in Support of Defendant's Motion for Summary Judgment, # (4) Declaration of Julie R. Trotter in Support of Defendant's Motion for Summary Judgment, # (5) Exhibit A-C to Declaration of Julie R. Trotter in Support of Defendant's Motion for Summary Judgment, # (6) Declaration of Kristin Cope in Support of Defendant's Motion for Summary Judgment, # (7) Exhibit A-C to Declaration of Kristin Cope in Support of Defendant's Motion for Summary Judgment, # (8) Proposed Judgment in Favor of Defendant Following Court's Decision to Grant Defendant's Motion for Summary Judgment) (Trotter, Julie)**

**2:18-cv-03893-RGK-AGR Notice has been electronically mailed to:**

Alfredo Torrijos [alfredo@aswtlawyers.com](mailto:alfredo@aswtlawyers.com)



Delavan J Dickson ddickson@calljensen.com, tmuncey@calljensen.com

Julie R Trotter jtrotter@calljensen.com, dreigel@calljensen.com

Kent Roger Christensen kchristensen@calljensen.com, cdaly@calljensen.com

Mike M Arias mike@aswtlawyers.com, ilce@aswtlawyers.com, jessica@aswtlawyers.com, ladonna@aswtlawyers.com, maricela@aswtlawyers.com, mayra@aswtlawyers.com

Patrick H Peluso ppeluso@woodrowpeluso.com

Steven L Woodrow swoodrow@woodrowpeluso.com

Taylor T Smith tsmith@woodrowpeluso.com

**2:18-cv-03893-RGK-AGR Notice has been delivered by First Class U. S. Mail or by other means BY THE FILER to :**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**C:\fakepath\Defs MSJ - Notice and Motion.pdf

**Electronic document Stamp:**

[STAMP cacdStamp\_ID=1020290914 [Date=4/8/2019] [FileNumber=27430827-0]  
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**Document description:** Defendant's Statement of Uncontroverted Facts and Conclusions of Law in Support of Motion for Summary Judgment

**Original filename:**C:\fakepath\Defs MSJ - SOUF.pdf

**Electronic document Stamp:**

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**Document description:** Request for Judicial Notice in Support of Defendant's Motion for Summary Judgment

**Original filename:**C:\fakepath\Defs MSJ - RJN.pdf

**Electronic document Stamp:**

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**Document description:**Exhibit A-E to Request for Judicial Notice in Support of Defendant's Motion for Summary Judgment

**Original filename:**C:\fakepath\Defs MSJ - RJN (Exhibits A-E) - final.pdf

**Electronic document Stamp:**

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**Document description:**Declaration of Julie R. Trotter in Support of Defendant's Motion for Summary Judgment

**Original filename:**C:\fakepath\Defs MSJ - Dec of J. Trotter.pdf

**Electronic document Stamp:**

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**Document description:**Exhibit A-C to Declaration of Julie R. Trotter in Support of Defendant's Motion for Summary Judgment

**Original filename:**C:\fakepath\Defs MSJ - Dec of J. Trotter (Exhibits A-C) - final.pdf

**Electronic document Stamp:**

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**Document description:**Declaration of Kristin Cope in Support of Defendant's Motion for Summary Judgment

**Original filename:**C:\fakepath\Defs MSJ - Dec of K. Cope.pdf

**Electronic document Stamp:**

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**Document description:**Exhibit A-C to Declaration of Kristin Cope in Support of Defendant's Motion for Summary Judgment

**Original filename:**C:\fakepath\Defs MSJ - Dec of K. Cope (Exhibits A-C) - final.pdf

**Electronic document Stamp:**

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**Document description:** Proposed Judgment in Favor of Defendant Following Court's Decision to Grant Defendant's Motion for Summary Judgment

**Original filename:**C:\fakepath\Defs MSJ - Proposed Judgment.pdf

**Electronic document Stamp:**

[STAMP cacdStamp\_ID=1020290914 [Date=4/8/2019] [FileNumber=27430827-8]  
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